

EXHIBIT 5

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on January 7, 2020.

Present - Hon. Dianne T. Renwick, Justice Presiding,
Angela M. Mazzairelli
Troy K. Webber
Cynthia S. Kern, Justices.

-----X
Summer Zervos,

Plaintiff-Respondent,

-against-

M-8288
Index No. 150522/17

Donald J. Trump,

Defendant-Appellant.
-----X

Defendant-appellant having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals, from the decision and order of this Court, entered on March 14, 2019 (Appeal No. 7610), and, if leave to appeal to the Court of Appeals is granted, for a stay of proceedings in the Supreme Court, New York County, pending hearing and determination of the appeal by the Court of Appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks reargument, is denied. The motion, to the extent it seeks leave to appeal to the Court of Appeals, is granted and this Court, pursuant to CPLR 5713, certifies that the following question of law, decisive of the correctness of its determination, has arisen, which in its opinion ought to be reviewed by the Court of Appeals:

Was the order of Supreme Court, as affirmed by the this Court, properly made?

This Court further certifies that its determination was made as a matter of law and not in the exercise of discretion, and it is further,

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Ordered that the motion, to the extent it seeks a stay of proceedings pending hearing and determination of the appeal by the Court of Appeals, is granted.

ENTERED:


CLERK